REMARKS

Applicant thanks the Examiner for taking time to discuss this application in the telephone interview. The interview helped focus the issues which are discussed below.

Claims 1 – 39 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Katz, *et al.* (U.S. Patent Application Publication No. US 2002/0174000) in view of Chandra, *et al.* (U.S. Patent Application Publication No. US 2002/0138582).

Katz discloses a method for managing a workflow process that is directed towards the procurement industry. The method helps a buyer or a seller of component parts to make decisions such as to when to buy a part and what part to buy. It is indisputable that, as the Examiner states, Katz discloses a computer program product including instructions embodied on a computer readable medium. However, Katz does not disclose or teach the *same* computer implemented steps of the method claimed by Applicant, even in view of Chandra.

Applicant claims a computer implemented method that includes, *inter alia*, communicating a query for a proposed action to a plurality of decision makers; and receiving query responses from the plurality of decision making entities, wherein the query includes a description of the proposed action, and wherein each response includes an indicator of support for the proposed action. (Claim 1). The method further includes, *inter alia*, the computer implemented steps of determining the cumulative support from the query responses received; and automatically implementing the proposed action if the cumulative support is greater than the set point. (Claim 1).

The limitations recited in Applicant's claim 1 provide a computer implemented method for automatically implementing a proposed action as the result of input by a *group* of decision makers who may or may not be in direct communication with each other during the claimed method.

The Examiner states that Katz discloses Applicant's limitation "communicating a query to the plurality of decision-making entities, wherein the description includes a description of the proposed action," by citing page 20, column 2, lines 32-44 and page 7, column 2, lines 24-41. (Office Action, page 2). Katz states therein:

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In another example, when a new supplier achieves a status rating (such as a "qualified" rating) for SDRAM or a certain family of DRAM, then the owner of the alert may be notified by email of such an event, invoking the supplier allocation module of module layer **86** to re-calculate the percentage of business that should be allocated to suppliers for SDRAM and/or DRAM. Thus, an alert or plurality of alerts may automatically invoke a module or plurality of modules from module layer **86**.

Katz, page 20, column 2, lines 32-44.

Applicant respectfully asserts that this cited passage of Katz does not disclose or teach Applicant's claimed limitation "communicating a *query* to the plurality of decision-making entities" as the Examiner states. (Office Action, page 2). Katz merely discloses sending an "alert" to a group of people, but Katz does not disclose or teach or suggest that the alert contains a *query* communicated to the plurality of decision-making entities as claimed by Applicant. Indeed, in the paragraphs following the above citation from Katz, Katz provides an exhaustive list of "alerts" that may be issued. (Katz, paragraphs 265-293). Significantly, not a single "alert" listed by Katz is a query. None of the alerts communicate a query to the plurality of decision-making entities as claimed by Applicant. The "alerts" include, *inter alia*, "The lead time has exceeded a certain limit for a supplier;" (Katz, ¶ 266); "The price for a given component fell below or above a given percentage level from the contract price;" (Katz, ¶ 271); "An established supplier lost 'approval' status;" (Katz, ¶ 277). As may be seen, each of these alerts alert the recipient to a *fact*, and does not communicate a *query* as claimed by Applicant.

Katz further states:

> In accordance with the present invention, each module in module layer **86** preferably targets a specific domain and set of users (e.g., procurement and procurement professionals), identifies a specific set of questions, then provides functions and services in the form of *actions that answer those questions*. An "action" refers to any action or analytical task that can be implemented by the module, such as initiating a purchase, adding data to a data base, performing a calculation, and notifying a user after an alert is triggered by email, pager, etc.

Katz, page 7, column 2, lines 21-30, emphasis added.

Applicant respectfully asserts that this cited passage of Katz does not disclose or teach Applicant's claimed limitation "wherein the query includes a description of the proposed action" as

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the Examiner states. (Office Action, page 2). This citation made by the Examiner does not disclose or teach that a query communicated to a plurality of decision-making entities includes a description of the proposed action. Instead, Katz therein discloses that a module itself "provides... actions that answer those questions." Katz discloses that the module "provides functions and services that answer those questions," so Katz does not disclose that a query is communicated to a plurality of decision making entities and that the query includes a description of the proposed action.

Applicant further claims the limitation for "receiving responses to the query from the plurality of decision-making entities." (Claim 1). The Examiner states that Katz discloses this limitation at Katz, page 23, column 1, lines 31-49. (Office Action, page 2). Katz discloses therein:

> For example, such criteria may include maximizing production, maximizing revenues, maximizing margins, etc. Such an analysis takes into account the production schedule, demand forecast . . . . In response to an alert . . . . the user preferably accesses the functionality of BOM optimization module in module layer 86 through the VCA user interface 208. . . . . The input window, in turn presents the data pertinent to the task of optimal BOM allocation data, such as production schedule, demand forecast, inventory of components . . . . It should be noted that the inventory data for the user-specified part is an example of internal data 30.

Katz, page 23, column 1, lines 31-49.

Applicant respectfully asserts that Katz does not disclose or teach that the responses to *the query* from the plurality of decision-making entities are received. Instead, Katz is disclosing that a user may access the functionality of the BOM (Bill of Material) optimization system, thereby showing that a computer can receive a query. However, this is not at all similar to the *computer* receiving *responses* from *the query* from *the plurality of decision-making entities* as claimed by Applicant.

While Applicant amended claims 1 and 19 to stress that the responses being received are responses to *the* query, this amendment was not made for purposes of patentability but merely to better define the claimed invention. There amendment makes no change to what is claimed, but merely provides a better construction.

Applicant further claims that query responses received from the plurality of decision-making

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entities "includes an indicator of support for the proposed action." (Claim 1). The Examiner states

that Katz discloses this limitation at Katz, page 10, column 1, lines 37-52; page 10, column 2, lines

13-22. (Office Action, page 2). Katz discloses therein:

> Strategic component identification module: This module preferably
> provides the user with the ability to identify which components are
> strategic and which components are tactical, helping the user focus on
> the most critical components. Strategic components are important to
> the operations and end product of an enterprise, whereas tactical
> components are less critical, easier to replace, and often not
> customized. The strategic component identification module creates a
> 'criticality rating' based on a predetermined scale, such as 1-10 or 1-
> 100, which is derived from a plurality of variables, which may
> include any of the following:
>> Total spent on the part
>> Number of parts purchased
>> Cost per part
>> Revenues and profit impact of the part
>> BOM analysis to determine which products would be affected
> by a shortage of this part and how much revenue would be affected by
> such a shortage. ...

Katz, page 10, column 1, lines 37-54.

> After all the parts have been rated, the module then preferably allows
> users to select which parts to consider strategic and which tactical by
> defining a criticality rating threshold for each category. The selected
> parts are saved and used in subsequent analyses. Users then define
> different weights for each variable in the formula, thus customizing
> the formula.

Katz, page 10, column 2, lines 13-19.

Applicant respectfully asserts that Katz does not disclose in these cites that the query

responses received from the plurality of decision-making entities, "includes an indicator of support

for the proposed action" as claimed by Applicant. First, there are no *responses* to *queries* taught,

suggested or disclosed by Katz. Second, there is no *indicator of support* for *the* proposed action

contained in the responses to queries. Indeed, Katz discloses a module wherein a user can define a

criticality rating for different components used in a manufacturing process and these criticality

ratings are based upon variables such as total spent on the part or number of parts purchased, as

stated by Katz above. These are *not* based upon an indicator of support contained within responses

from a plurality of decision-making entities, all addressing the same query, which includes a description of *the* proposed action as claimed by Applicant. (Claims 1 and 19).

The Examiner states that "indicator of support" reads on "rating." (Office Action, page 2). The "indicator of support" limitation of Applicant's claims 1 and 19 is a limitation to the *responses* to *the query* -- and *the query* includes a description of a particular proposed action. All of the plurality of decision-makers are addressing the same exact proposed action by providing their individual "indicator of support" for *the* proposed action. In contrast, the "rating" referred to by Katz describes a rating for a particular piece of inventory that describes how critical that piece of inventory is. That "rating" is *not* included in a response to a query as claimed by Applicant but is instead merely a routinely assigned rating to the piece of inventory by a user of the Katz system. The rating of the inventory piece is not given in response to a query that was communicated to a plurality of decision making entities.

Therefore, for the reasons given above, Katz does not disclose, teach or suggest Applicant's claimed limitations of communicating a query to the plurality of decision-making entities, wherein the query includes a description of the proposed action; and receiving responses to the query from the plurality of decision-making entities, wherein each response includes an indicator of support for the proposed action. (Claims 1 and 19).

The Examiner states that Katz does not disclose Applicant's claim limitations of maintaining a setpoint representing a minimum cumulative support required to implement a proposed action; and determining the cumulative support from the query responses received. (Office Action, Page 3). The Examiner cites Chandra as disclosing Applicant's claimed limitation of "maintaining a setpoint representing a minimum cumulative support required to implement a proposed action," citing Chandra, page 14, column 1, lines 52-67. (Office Action, page 3). As part of a method, Chandra discloses in the cite provided by the Examiner:

> Order Exception Management. Tracks and manages the resolution of
> a problem that occurs in fulfilling the order. Enables collaboration
> across the enterprise, partners and suppliers to define the exception
> and decide on a solution.
>
> Product Configuration. Manages the product configuration process

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from initial product requirements to configuration and approval. Participants can modify documents and approve or disapprove the final versions.

Proposal Management. Displays a proposal for review and feedback and compiles sign-off by reviewers or stakeholders.

Recruiting management. Organizes and streamlines the process of interviewing a candidate, from receiving the resume to making an offer.

Chandra, page 14, column 1, lines 52-67.

Applicant respectfully asserts that Chandra does not teach or suggest or disclose therein "maintaining a setpoint representing a minimum cumulative support required to implement a proposed action." While Chandra does disclose that a proposal may be displayed for review and compile sign-off by reviewers or stakeholders, Chandra does not teach that a *setpoint is maintained* that represents *the minimum cumulative support required to implement a proposed action.* Even if "cumulative support" reads on "compile sign-off" as stated by the Examiner (Office Action, page 3), and Applicant does not agree with that it does, Chandra still fails to disclose or teach or suggest "maintaining a setpoint representing a minimum cumulative support required to implement a proposed action."

The Examiner further cites Chandra as disclosing Applicant's claim limitation "determining the cumulative support from the query responses," at Chandra, page 3, column 2, lines 40-57. (Office Action, page 3). Chandra states therein:

> A shared workspace is created in which multiple persons or systems can interact within the same transportable application, and all responses are aggregated in one place. The content of the transportable application is current when read; the transportable application is constantly updated so users can always see the most current information and responses of other group members. Transportable applications may be supported by related services. . . Transportable applications may generate events that are acted upon by other transportable applications, and may act upon events that are received form external systems.

Chandra, page 3, column 2, lines 40-57.

Applicant respectfully asserts that this cite does not teach, disclose or suggest "*determining*

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the cumulative support from the query responses." Chandra teaches that the content of the transportable application is current when read so that users can always see the most current information and responses of other group members. Not only are query responses not mentioned in Chandra, *supra*, but there is no teaching or disclosure that Chandra's computer implemented process *determines* the cumulative support.

The Merriam-Webster dictionary defines determine as "to find out or come to a decision about by investigation, reasoning, or calculation." Applicant uses "determining" in its common meaning, by claiming a computer implemented method that includes the step of "coming to a decision" about the cumulative support from the query responses. "Determining" or "coming to a decision" in a computer implemented method is different than the computer implemented method of Chandra that merely updates information and responses so that the most current information may be viewed by users of the application. Therefore, Chandra does not teach, suggest or disclose Applicant's claimed limitation of *"determining* the cumulative support from the query responses."

As stated in the MPEP, § 2143, in presenting a *prima facie* case of obviousness, the Examiner has the burden of meeting three basic criteria. First, there must be some suggestion or motivation in the references or within the knowledge of one having ordinary skill in the art, to modify the teaching of the reference. Second, there must be a reasonable expectation of success. Finally, the prior art reference must teach or suggest all the claim limitations. Applicant respectfully asserts that a *prima facie* case of obviousness has not been presented.

The references cited by the Examiner do not teach, suggest or disclose all the limitations claimed by Applicant in claim 1. First, Katz does not teach, suggest or disclose communicating a *query* to the plurality of decision-making entities as claimed by Applicant.

Second, Katz does not disclose "wherein the query includes a description of the proposed action" as claimed by Applicant.

Third, Katz does not disclose "receiving responses to the query from the plurality of decision-making entities."

Fourth, Katz does not disclose "includes an indicator of support for the proposed action."

Fifth, Chandra makes no mention, does not teach or disclose "maintaining a setpoint representing a minimum cumulative support required to implement a proposed action" as claimed by

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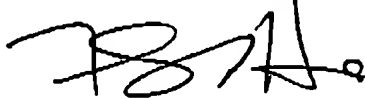Atty. Dkt. No. AUS920010310S1
(IBM70014)

Applicant.

Sixth, Chandra does not teach or suggest or disclose "determining the cumulative support" from the query responses."

Because each and every claim limitation recited in Applicant's claim 1 is not taught or suggested by the references cited by the Examiner, Applicant respectfully asserts that a *prima facie* case of obviousness has not been presented. Reconsideration and withdrawal of the rejection is respectfully requested. Because claim 19 is an independent claim that includes these same limitations, and because all the other claims in the application depend either directly or indirectly from claims 1 or 19, Applicant respectfully asserts that all claims are now in condition for allowance.

If the Examiner believes that a telephone conference will expedite the examination of this application, the Examiner is invited to contact the below signed attorney. In the event there are additional charges in connection with the filing of this Response, the Commissioner is hereby authorized to charge the Deposit Account No. 09-0447/IBM/0024 as authorized by the below-signed attorney in the amount of any necessary fee.

Respectfully submitted,

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